

## **CITY COMMISSION**

### **WORKSHOP MINUTES**

**June 17, 2003**

A **WORKSHOP** of the Winter Garden City Commission was convened at 6:00 p.m.

**PRESENT:** Mayor Jack Quesinberry, Commissioners Mildred Dixon, John Rees (arrived at 6:07 p.m.) and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, Assistant City Attorney Lionel Rubio, City Planner Mark Cechman, City Clerk Kathy Montoya, Senior Planner Kelly Randall, and Assistant to the City Manager Marshall Robertson

**ABSENT:** Commissioner Theo Graham

#### **PROPOSED WEST STATE ROAD 50 COMMERCIAL CORRIDOR OVERLAY:**

City Planner Cechman gave a brief history of the steps taken in the development of drafting Ordinance #03-16 that originally began back in July 2002. The originally drafted ordinance was given to the property owners and after their input was received, which included the hiring of a professional consultant, a consultant was retained by the City to rewrite a draft ordinance to include the design standards. The draft was then presented to the City Commission and the public at a workshop on June 9, 2003 where additional information was received. Mr. Cechman introduced Mr. Peter Sechler, Senior Associate with Glatting, Jackson, Kercher, Lopez & Rinehart to make the PowerPoint presentation on the standards. Staff has drafted the cover ordinance that implements the standards.

Mr. Sechler gave the details of the recommended design standards that included signage, landscaping and buffers (front, side, back, and screening of dumpsters), stormwater ponds, and lighting. He noted that there is also an amortization schedule, as drafted by Mr. Rubio that deals with future compliance after State Road 50 widening is complete and variance requests. He also stated that some refining needs to be done to the language on landscaping, screening of loading areas and wall treatments adjacent to residential properties. If a stormwater pond is in the front of a property, it should be treated as an amenity and should be designed in an organic way as opposed to an engineered way. They looked at pole lighting and focused on the height to control the disbursement and configuration of the fixture and foot-candles. Mr. Sechler stated that the 6-laning of State Road 50 will not leave much landscaping area. The State Department of Transportation commonly funds landscaping at a minimum and rely more heavily upon the local authority.

City Manager Holden stated that the proposed standards would be applicable to new development, redevelopment, and any substantially modified development. The City has needed these standards, as evidenced by all of the new development in the city, in order to be able to

give the standards to the developers. The next phase will be to consider how these standards would be integrated into existing developed properties, not vacant property, that Mr. Rubio will be addressing next.

Assistant City Attorney Rubio explained that the proposed Ordinance is broken into six different Divisions:

- 1) General
- 2) Landscaping
- 3) Signage
- 4) Buildings and Accessory Structures
- 5) Site Specific Facilities
- 6) Additional Requirements for buildings over 25,000 square feet

Section 118-1402 identifies the boundaries of the commercial corridor, which is the area within 350 feet of the centerline of State Road 50. Section 118-1403 identifies the applicability of the Ordinance, if approved by the City Commission. Divisions 4, 5 and 6 will only apply to new development or any property that is substantially modified. Regarding Division 2, existing property owners will only go into affect 10 years after the widening project has been completed. Existing developed property under Division 3 have been amortized under a schedule that will allow them to comply within four to seven years after the completion of the State Road 50 widening project for replacement of non-conforming signs. He stated that this time period has been previously approved by the courts and is used by other communities. Winter Garden has extended the period for compliance by adding that compliance will be required after State Road 50 is complete. Mr. Rubio stated there is also a variance procedure within the Ordinance.

Mr. Rubio then addressed items stated in a written correspondence received from Mr. Dean Cannon of Gray, Harris & Robinson Law Firm by paragraph number as follows:

#2 Minimal public or community input allowed to staff

In addition to the previous workshops, the City has always been available and encouraged public comments. Additionally, there will be two public hearings for even more input.

#3 Refers to the adverse impact that may be imposed on particular property owners prior to the State Road 50 improvements.

As previously stated, nothing will affect them until State Road 50 is completed. However, new development or substantial modification, would affect the owner whether or not it is before the widening project.

#3 States there is no way the City can predict how the market forces and other economic issues will impact property owners along West State Road 50 this early in the game.

This is a policy decision for the City as to whether they are going to be reactive or proactive to their vision of State Road 50.

#4 Asks if there are any properties in compliance in the City that comply with the proposed Ordinance

This question is irrelevant because the proposed standard is a vision for the City and it will assist the City in achieving that vision.

#5 Indicates potential litigation arising from the Burt J. Harris Act

The City is well within its police power to impose the regulations that are in the proposed Ordinance.

#6 Suggests the City look into establishing a Community Redevelopment Agency (CRA) for the area

The City would be hard pressed to meet the statutory requirements to establish a Community Redevelopment Area along State Road 50.

Mr. Holden stated that there is not any chance to get State Road 50 designated as a CRA. In accordance with F.S. 163.355, the County would have to first approve the request, which cannot be done because State Road 50 does not meet the criteria described in the Florida State Statutes Section 163.340 (7) or (8). Section 163.340(10) describes it as a slum or blighted area etc., which State Road 50 cannot be designated.

City Attorney Everett stated that a CRA is a funding mechanism to foster redevelopment efforts. It does not create, nor is it intended to create the standards to guide the redevelopment, which is what the proposed overlay regulations are designed to do and the CRA is to provide the funding. A CRA designation could be pursued even in view of the overlay standards being in place.

Mr. Holden stated that detailed minutes were transcribed from the June 9, 2003 public workshop and have been distributed to the City Commission. Valid and good comments were made at that workshop, which are being factored into the proposed Ordinance and staff will take City Commission comments as well, to incorporate them into a final version which will be submitted to the City Commission. If the proposed State Road 50 standards are approved, they will also be recommended for other commercial corridors with regard to signage, landscaping, and lighting.

Commissioner Harriman asked when would the Giant Recreation World sign have to be removed under the proposed Ordinance. Mr. Holden stated that the cost of the sign would have to first be evaluated, but it would have to be removed seven years after State Road 50 is widened. Commissioner Rees asked how many signs have a value of \$10,000 or more on State Road 50 and whether there is an adequate cut-off amount for amortization purposes. Mr. Holden stated staff is looking into that question and will get the answer.

Mr. Everett stated that none of the proposed standards is chartering new ground. The consultant has looked at what standards are working in other areas and they have used that information as a basis for the proposed design standard and he is comfortable with this method of application. Mr. Holden stated that staff is trying to create a tool that is used as a vision for the future, in about 20 years from now. Commissioner Dixon stated that she appreciates the dialog allowed with the property owners. Mr. Holden stated staff is going to work with the State to get the maximum amount of funding for landscaping within the 150 foot of right-of-way.

Commissioner Rees asked the City Manager to provide the Commission with a list of major comparisons of what the County has adopted versus what the City staff is proposing. Mr. Sechler stated he has a table with the County's requirements and will provide a copy to staff. Mr. Holden asked Mr. Sechler to incorporate the latest issues into the table and provide a copy to him.

Hearing no further comments, Mayor Quesinberry adjourned the workshop at 7:12 p.m.